

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

IN RE TYCO INTERNATIONAL LTD
SECURITIES LITIGATION

MDL No. 02-1335-PB
SECURITIES ACTION

Scott Davis, et al.

v.

Dennis Kozlowski, et. al.

Civil No. 04-1338-PB

NOTICE OF RULING

Re: Motions for Reconsideration of Court
Remand Order (Doc. Nos. 402 and 403)

Ruling: The parties agree that the issues raised by the motions for reconsideration (doc. nos 402 and 403) will be resolved by the Supreme Court's decision in Merrill, Lynch, Pierce, Fenner & Smith, Inc. v. Dabit. There is no reason why the motions should remain pending until the Supreme Court issues its decision. Accordingly, the motions are terminated without prejudice. The remand order is vacated without prejudice and the cases that were subject to the remand order are stayed. I will decide whether the cases should be remanded after the Dabit decision issues.

Entered by: Paul Barbadoro, United States District Judge

Date: January 20, 2006

cc: Counsel of Record